

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

Darrell L. Goss,)	Civil Action No.: 1:18-2124-BHH
)	
Plaintiff,)	
)	
vs.)	
)	
Bryan P. Stirling (as Director), Warden)	ORDER AND OPINION
Charles Williams, Warden Joel)	
Anderson, Warden Aaron Joyner,)	
Warden Michael Stephen, Warden Scott)	
Lewis, Warden Willie Davis, Warden)	
Richard Cothran, Warden Levern)	
Cohen, Warden Donnie E.)	
Stonebreaker, Warden Terrie Wallace,)	
Warden Gary Lane, Warden John Pate,)	
and Warden Patricia Yeldell,)	
)	
Defendants.)	

Plaintiff Darrell L. Goss (“Plaintiff”) is an inmate at Leiber Correctional Institution (“Lieber”) in Ridgeville, South Carolina. On August 5, 2019, Plaintiff filed a motion for preliminary injunction. (ECF No. 131.) Defendants oppose Plaintiff’s request for injunctive relief. (ECF Nos. 139 & 140.)

In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pretrial handling. On September 17, 2019, Magistrate Judge Hodges issued a Report and Recommendation recommending that the Court deny Plaintiff’s motion for preliminary injunction, which requests a court order requiring Defendants to photocopy his handwritten legal papers. (ECF No. 146.) The Magistrate Judge concluded that Plaintiff is not entitled to injunctive relief as he has not demonstrated a clear likelihood of success on the merits, has failed to show that he is likely to suffer irreparable injury in the absence of relief, has

failed to show that the balance of equities tips in his favor, and the requested injunction would not serve the public interest. (*See id.* at 4.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. On September 17, 2019, Plaintiff was advised of his right to file objections to the Report and Recommendation. (ECF No. 146 at 6.) However, he has not done so. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the Court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is adopted and incorporated herein by reference. Plaintiff’s motion for preliminary injunction (ECF No. 131) is DENIED.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

October 3, 2019
Charleston, South Carolina